

**Attendance:** Sam Alexander - Chairman, John Papacosma -Vice-Chairman, Don Rogers, Dorothy D. Carrier, Noel Musson - Planner, and Karen O'Connell – Recording Secretary.

The meeting had been advertised in the Times Record, videotaped, broadcast live on Harpswell TV and recorded. Vice Chairman Papacosma called the meeting to order at 6:30 P.M., introduced above members and staff and led the pledge of allegiance.

**Review of Agenda and Procedure -**

Papacosma reviewed general Board procedures and the agenda for the evening. In reviewing the agenda, Papacosma reported that the applicant for Estes Lobster House has requested a continuance until the next session of the Planning Board. Papacosma explained this is due to an additional memoranda from the Codes Office, and that the item would not be heard until next month. **Motion - The Planning Board tables the Estes application until the next meeting (Motion by Papacosma and seconded by Alexander, carried 4-0)**

Musson noted the Dostie agenda item has also been removed from the agenda.

**Election of Planning Board Officers -**

Papacosma explained that the Board will need to elect a new Chair, Vice Chair, and Secretary at this meeting as the terms of the existing officers had expired. The Board bi-laws require a secret ballot vote.

**Rogers nominated Alexander as Chairperson and Carrier seconded that nomination. Motion - That nominations cease (Motion by Carrier and seconded by Papacosma) The Board voted 4-0 to elect Sam Alexander as Chairperson.**

**Alexander nominated Papacosma as Vice Chairman and Carrier seconded the nomination. Motion - that nominations cease (Motion by Carrier and seconded by Papacosma) The Board voted 3-0 to elect John Papacosma as Vice Chairperson.**

**Papacosma nominated Carrier as Board Secretary and Rogers seconded the nomination. The Board voted 3-0 to elect Dee Carrier as Board Secretary.**

**Approval of Minutes -**

**Motion - The minutes of April 14 were accepted as printed (Motion by Carrier and seconded by Rogers - Carried 4-0).**

**Agenda Review -**

Chairman Alexander briefly reviewed the agenda items remaining: Prince, Robitaille, Town of Harpswell and one final item regarding a State document regarding Essential Endangered Species Habitat and Zoning Map.

**03-05-01 Marilyn, Deanna, and Alison Prince, Site Plan Amendment/Construction of an 8' by 14' Wood Framed Storage Shed, Commercial Fishing I, Tax Map 26-50, Harpswell Islands Road, Orr's Island**

Applicant Presentation - Alison Prince explained her request to build an 8' by 14' shed to be placed on blocks on the lawn area of her property. She noted the shed was for use by a tenant (H2O Outfitters) as an alternative to storing gear on the wharf which is in bad repair. Prince explained she believes the proposed location complies with all the required setbacks.

Site Visit - Papacosma reported that Board members Rogers, Carrier, Papacosma and Town Planner Musson attended a site visit at the property and noted a flat lawn area intended for the shed placement. Board members noted the shed was at a lower level than the road grade and well beyond the 75 foot setback. Papacosma confirmed with Prince that the shed is 10 feet tall and would be placed on blocks about 2 feet in height. Papacosma clarified that the exterior of the shed would be (T111) a tongue and groove appearing material.

Public Comment - Alexander asked if there were any members of the audience who wished to speak about the proposal and there were no comments at this time.

Board Discussion and Review of Criteria - Alexander reviewed the file memo from Planner Musson and noted that several sections of the Ordinance may not be applicable. Alexander reviewed the criteria as listed. **Motion - The Board will dispense with review of non applicable Sections 15. 3 , 4 , 5 , 6 , 7 , 8 , 12 , 13, 15, 17, 18, 19, and 20 as listed in the Musson memo to the Board dated May 14, 2003 ( Motion by Alexander and seconded by Carrier , carried 4-0)**

Section 15.1 Dimensional Requirements - Alexander reviewed Section 15.1 and made a **Motion - This application meets the dimensional requirements of 15.1 after reviewing the setbacks, lot size, road frontage and as minimum lot size is not applicable as this is an accessory building. (Motion by Alexander and seconded by Carrier carried 4-0)**

Section 15.2 Utilization of the Site - Musson reviewed this section criteria related to a plan of development that reflects the natural capabilities of the site to support the development. Alexander requested a **Motion -The application meets the requirements of Section 15.2 (Motion by Carrier and seconded by Papacosma; carried 4-0).**

Section 15.9 Storm water Management - After a brief discussion the following motion was adopted. **Motion -The application meets the requirements of Section 15.9 as the area around the proposed structure is adequate to deal with run off and drainage can go beneath the building (Motion by Alexander and seconded by Rogers; carried 4-0)**

Section 15.10 Erosion Control - Alexander indicated that the building would not change the runoff for the same reasons as noted previously. **Motion - the proposal meets the requirements of Section 15.10 (Motion by Alexander and seconded by Rogers; carried 4 - 0)**

Section 15.11 - Water Supply and Groundwater Protection. - Alexander indicated he could not see how water supply and groundwater protection would be changed by the proposal. **Motion there will be no effect on water supply or effect on groundwater (Motion by Papacosma and seconded by Alexander; carried 4-0)**

Section 15.14 Natural Features and Buffering - Alexander confirmed with the applicant Prince that there were no plans for landscaping or plantings, that the building would be stained a natural color and that no trees would be removed or ground disturbed. **Motion - The application meets the requirements of Section 15.14 (Motion by Alexander and seconded by Carrier; carried 4-0)**

Section 15.16 Water Quality Protection - Alexander noted the Musson memo stating it would only slightly change the imperviousness of the site. Carrier indicated it did not apply. **Motion - The application meets the requirements of Section 15.16 (Motion by Carrier and seconded by Alexander; carried 4-0)**

Section 15.21 Technical and Financial Capability - The Board discussed the applicability of this requirement on a small scale project. Alexander indicated that a project on such a small scale might not require a formal letter from a bank and the Board may want to discuss this requirement in reference to scope of projects requiring this information. **Motion - the applicant has met the requirements of section 15.21 (Motion by Alexander and seconded by Rogers; carried 4-0)** Papacosma asked if it was possible to get a cost estimate as a baseline and the applicant responded the cost would be \$2,100. The Board discussed the point of requiring a cost estimate on a small project.

Musson indicated the Board may make one final ruling on Section 15 of the Site Plan Review and whether to address Section 13.4.7 of Land Use Ordinances.

Section 13.4.7 of the Basic Land Use Ordinances. Alexander and the Board reviewed Section 13.4.7. Alexander noted these criteria matched much of what the Board has just reviewed. Alexander noted there was no waste water and no water pollution and the project would maintain health and safe conditions. Papacosma recommended a **Motion - The site plan review just completed essentially covers all the points of Section 13.4.7. As it is a minor development with no disturbance of the soil and minor increase in runoff and will not impact the resources nearby. (Motion by Papacosma and seconded by Carrier; carried 4-0)** Rogers indicated he did not see run off as an issue due to site conditions.

**Motion to approve the application (Motion by Alexander and carried 4-0) Alexander advised the applicant that the application was approved as presented with no conditions attached.**

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**03-05-02 Roger Robitaille, Reconstruction of Non Conforming Structure, Shoreland Residential, Tax Map 13-153, Cove Side Drive, Edgewater Colony**

Site Visit -

Papacosma reported that a site visit had taken place with Board members Carrier, Rogers, himself and Planner Musson in attendance and there was discussion with the Robitaille's and gained a good idea of the project. Rogers noted it was a nonconforming lot.

Applicant Presentation -

Jim Fortin, spoke as the applicant's representative. He described plans to rebuild a seasonal cottage. The existing building was described as one and a half stories and four bedrooms to be replaced with a one story two bedroom one bath seasonal cottage. The cottage would be placed approximately a 200 foot distance from the water and with a building rotation which would move portions of the building away from its position on the property line. Fortin explained the new building would be 2 feet thinner but 2 feet longer. Fortin noted the building would not have a foundation but would be located on concrete sonatubes as it is seasonal.

Board Discussion and Review -

Carrier asked the lack of a septic design. Fortin explained that the septic design by Stephen Robbins has recently been faxed to Carl Adams and a memo from Adams is on file which explains that local approval of the septic has been given but the State will need to approve the design as well. Musson suggested that the final approval of the septic by the State may be a condition of final approval. Rogers noted the well was shared by four households. Alexander clarified that the old system will continue to be used by the abutters. Papacosma asked for further clarification on a new or replacement system. Alexander confirmed with Musson that the Codes Office would manage this portion of the application. Papacosma noted the Board discussed at the site visit that the removal of this system from an old system would be an improvement by taking load off an old system.

Section 10.3.2 - Chairman Alexander asked the Board to review Section 10.3.2.2 dealing with setback to the greatest practical extent. Papacosma indicated he saw no issues with the shoreline setback and there was an improvement in sidelines setbacks and the Board members agreed there were not many options on the non conforming lot being 45 feet wide. Fortin confirmed that the new structure was essentially the same square footage but thinner and longer but overall a smaller house. Alexander discussed that the lot is fairly level but advised the applicant to use a silt fence to prevent run off. Alexander confirmed the one large tree on the lot would remain.

Public Input -

Alexander called for public input and there was none.

Musson then clarified his memo regarding possible Board actions regarding Section 10.3.2.2 and Basic Land Use Section 13.4.7.

Section 10.3.2.2 Reconstruction **Motion - This application meets the requirements of Section 10.3.2.2 and that the Board places a condition on approval that the Town receives an approved septic design from the State. (Motion by Alexander and seconded by Rogers; carried 4-0)**

Section 13.4.7.1 Safe and Healthful Conditions - The Board discussed that the proposed project would result in an improvement in conditions. **Motion - The application will maintain safe and healthful conditions. (Motion by Alexander and seconded by Carrier; carried 4-0)**

Section 13.4.7. 2 Water Pollution /Erosion **Motion - The application meets this requirement as long as good construction practices are followed, silt fences are maintained during construction and the area seeded down after. (Motion by Alexander and seconded by Carrier; carried 4-0)** Papacosma asked if the home was factory or stick built and the applicant responded stick built

Section 13.4.7.3 Wastewater Disposal Alexander noted that this will hinge on the septic design. Alexander asked about placement of groundwater drainage around the house and Fortin explained he had not considered this necessary. Papacosma asked to clarify roof surface and Fortin indicated it would be similar. **Motion - This proposal meets the requirements of Section 13.4.7.3. (Motion by Alexander and**

seconded by Rogers; carried 4-0)

Section 13.4.7.4 Impact on Wild life Habitat - Alexander reviewed this section and recommended a **Motion - The Proposal will not have an impact on any of these habitat areas. (Motion by Alexander and seconded by Papacosma; carried 4-0)**

Section 13.4.7.5 Shore Cover and Access Alexander and the Board discussed that this did not apply as it was the same foot print. **Motion - Section 13.4.7.5 does not apply (Motion by Papacosma and seconded by Carrier; carried 4-0)**

Section 13.4.7.6 Archeological and Historic Resources - Alexander noted to his knowledge this area had not been identified by any of these agencies. **Motion - This section does not apply in this case (Motion by Alexander and seconded by Carrier; carried 4-0)**

Section 13.4.7.7 Commercial Fishing Maritime Activities - **Motion - This Section does not apply to this proposal (Motion by Alexander and seconded by Papacosma; carried 4-0)**

Section 13.4.7.8 Flood Hazard Zone Alexander clarified with Musson that the proposed structure was not in the flood hazard zone. Rogers indicated the point was in the zone. **Motion - Section 13.4.7.8 does not apply. (Motion by Carrier and seconded by Alexander; carried 4-0)**

Section 13.4.7.9, Section 15 Land Use Standards of Shoreland Zoning Ordinance Musson noted the Codes Office memo had reviewed these standards and considered everything to be in conformance with Section 15 of the Ordinance. **Motion - The application meets the requirements of Section 15 (Motion by Rogers and seconded by Papacosma; carried 4-0)**

**Motion - The Board approves the application of Roger Robitaille regarding reconstruction of their property on Cove Side Drive (Motion by Papacosma and seconded by Alexander; carried 4-0)** Alexander explained the application had been approved pending receipt of State approval of the septic system. Musson suggested the applicant work with the Codes Office on the details of this issue and explained a building permit would not be issued until the State approves.

**Motion for Board recess for five minutes (Motion by Alexander and seconded by Carrier, carried 4-0)**

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### **03-05-05      Town of Harpswell, Site Plan Amendment - Revisions to the Town Office Parking Lot Design, Shoreland Residential, Tax Map 42-70, Mountain Road**

Chairman Alexander noted the Town is returning for approval of a substantially different parking plan than originally approved in September 2001. The parking plan is also undergoing a Tier III Review by the Department of Environmental Protection.

Applicant Presentation - Sarah Marshall, Landscape Architect presented the Town's plan for the revised parking area. Marshall indicated she observed the site during construction to look at the potential for additional paved parking beyond the existing lot because the Town Hall expansion and new meeting room would likely require more parking spaces.

The goals of this project were to make safe and efficient parking areas avoiding dead ends and awkward areas for snow plows and to keep the parking in a "green context" preserving green areas and woods around Town Hall.

Marshall reviewed maps diagramming the parking points and drainage areas and points where snow could be moved to during winter months. Marshall discussed a swale that is a mapped wetland (though not a high value wetland) and spoke of need to fill and reroute the ditch. She indicated the new ditch was a longer run to Strawberry Creek and would be more effective for removing pollutants and sediments. Marshall discussed low damp areas around the building and how the drainage would be collected and redirected.

Rogers expressed concern about the hill proximity to the septic and the ditch/swale being moved closer to the septic area. He was also concerned about the runoff from the parking lot. Marshall indicated they had focused on means to address quality and quantity of runoff. Alexander wondered what would prevent persons from driving over the edges with flat rip rap. Marshall indicated it may be that the larger 3"to

6" crushed stone would be awkward to drive over and park on and should prevent the problem. Marshall explained this type of arrangement also allows for a sheet run off over the rock into crushed stone. Musson noted there is a longer distance for run off to travel and more vegetation to filter sediments and any pollutants. Crushed rock check dams are used to slow down the water and therefore clean the water. Carrier indicated she was concerned about a larger parking lot area draining toward the creek and asked what new planting should be placed there. Marshall noted grasses that should not be mowed often and other plants such as red twig dog wood will improve the situation. Carrier asked about winter plowing pushing a mixture of pollutants toward a swale and thus getting to Strawberry Creek. Marshall indicated the new ditch was a much longer distance and was wide and deep and should work on the run off. She explained rough wooded areas were best at slowing down water and for absorption. Papacosma asked if the entire area had to be paved. Marshall replied it was a matter of weighing pros and cons such as long term maintenance and erosion of gravel parking lots and the inefficiency of parking where stripes do not guide parkers. Rogers asked about the West side of the parking area and whether plantings would help reduce possible parking in the non parking area. Marshall indicated that could impact the scenic beauty. Alexander asked if the lot was crowned in the middle and Marshall demonstrated the direction of the flow. Alexander asked why the lot was not pitched toward the swale to increase the distance of water flowing to Strawberry Creek. Marshall indicated it was a very flat pitch which would slow down the run off and the regrading would be a big cost factor.

Rogers asked the Selectmen if they were satisfied with the plan. Selectman Knight indicated there was thought given to overflow parking at the Recycling Center, but this was complicated due to laws regarding open access and gates and fencing would have to be moved raising costs. Knight indicated the leach field concern was addressed by a check of the leach field and a determination that it was functioning well. Knight also suggested it might be possible to sweep the parking lot more frequently as a protective measure and Papacosma remarked this might be worth while to do particularly at the end of the winter. Knight indicated it would impact cleanliness and wear and tear on the building if the lot is paved. Knight requested suggestions on what would be a good sweeping schedule.

De-icing agents were also discussed in terms of impact. Marshall recommended a spring pick up would be advisable and the parking lot should be observed for pollutants and problems and these should be carefully addressed. Marshall indicated the Town should monitor and maintain the health of the environment. Musson talked about the Towns responsibilities and the use of Bayscape services in regard to plantings. Marshall reviewed the requirements that any persons working on the lot needs to know about the Town environmental protection requirements.

Papacosma asked about catch basins which reduce pollutants. Marshall discussed the workings of catch basins and the sheet flow areas of the parking lot and that each were designed with the rate of flow in mind. Musson discussed that sheeting through a vegetative buffer is more effective than diverting flow into man made structures requiring maintenance. Alexander asked the Selectmen if they had further comments. Selectman Theberge indicated he has considered this and believes it is best to pave the lot. Selectmen Knight agreed noting there are some large meetings at times and occasional elections where there would be much traffic.

#### Board Discussion of Criteria

##### Section 15 - Site Plan Review Approval Standards and Criteria

Alexander referenced Musson's memo of May 14, 2003 on this matter and reviewed with the Board the Sections suggested as not applicable (Sections 15.3, 5, 12, 13, 17, 18, 19, 20,) Alexander indicated if the Board agreed they were not applicable, he would entertain a motion. **Motion - The Board will dispense with acting on the Sections as noted non applicable in Musson's memo (Motion by Carrier and Seconded by Rogers; carried 4-0)**

Alexander proceeded with review of remaining criteria of Section 15

15.1 Dimensional Requirements - Alexander indicated the parking lot is not extended closer to Strawberry Creek but does extend to the north. Motion - The application meets the requirements of Section 15.1 with the addition it does extend the parking lot further to the North. (Motion by Carrier and seconded by Alexander: carried 4-0) Alexander indicated the plan is an improvement. Papacosma noted this is contingent on the Department of Environmental Protection approval.

15.2 Utilization of the Site Alexander reviewed Musson's memo and noted the

presentation by the architect demonstrates improvement. **Motion - The parking lot meets the requirements of Section 15.2 as it is an improvement on the existing and previously approved plan (Motion by Alexander and seconded by Papacosma; carried 4-0)**

15.3 Adequacy of the Road System - see Section 15 above

15.4 Access into the Site Alexander confirmed with Noel that the access into the site would not actually change. **Motion - Section 15.4 is not applicable as the access into the site is not going to change. (Motion by Carrier and seconded by Rogers; carried 4-0)**

15.5 Access/egress Way Location and Spacing - see Section 15 above

15.6 Internal Vehicular Circulation - Musson stated the one way loop and back is substantially better than the previous plan. **Motion - the new proposal meets the requirements of Section 15.6 (Motion by Alexander and seconded by Papacosma; carried by 4-0)**

15.7 Parking The Board reviewed the changes in layout. **Motion the layout and design meets he standards of the section (Motion by Alexander and seconded by Carrier; carried 4-0)**

15.8 Pedestrian Circulation Alexander asked if the walkway from the recycling center would be paved and Knight indicated the path would be paved and the staff of recycling would clear the snow. Papacosma noted the parking lot was a better situation. Carrier asked about lighting on the path from recycling. Marshall noted there were lights below by the building and in the parking lot. Carrier indicated she was concerned about ability to see. **Motion - The proposed design meets this requirement (Motion by Papacosma and seconded by Alexander; carried 4-0)**

15.9 Storm water Management Alexander noted the same quantity of Storm water is being managed but the management is better. The Board discussed that the amount of run off is the same. Papacosma asked if DEP will make a calculation about an environmental impact and Marshall responded there is a sedimentation and erosion plan. Alexander asked about the height of a culvert across the road and Marshall indicated the flow was good and it works effectively. **Motion - although there may a bit more area involved, the Storm water is better managed under this plan and it meets the requirements of Section 15.9. (Motion by Alexander and seconded by Rogers; carried 4-0)**

15.10 Erosion Control - Alexander indicated the Board had discussed this area and the controls to be put in place. **Motion The applicant has met the requirements of Section 15.10 and in fact they are improving the erosion control around the area (Motion by Carrier and Seconded by Papacosma; carried 4-0)**

15.11 Water Supply and Groundwater Protection - Alexander noted the improved vegetative cover and best management practices to reduce run off and sedimentation. **Motion - The applicant has met the requirements of Section 15.11 (Motion by Carrier and seconded by Alexander; carried 4-0)**

15.12 Subsurface Waste Disposal - see Section 15 above.

15.13 Utilities and Essential Services - see Section 15 above.

15.14 Natural Features and Buffering - Alexander discussed the use of native species and the work with the Bayscaper Program. **Motion - The application meets the requirements of 15.14 and in fact goes beyond that (Motion by Alexander and seconded by Carrier; carried 4-0)**

15.15 Lighting - Carrier asked about the entrance lighting being adequate for the walkway from recycling noting it is better to do this now rather than later. Selectmen Knight indicated he shared a concern about adequate lighting and he would assure there would be proper lighting and they would take a good look at this. **Motion - The lighting as proposed, with the additional investigation of lighting the path to the Recycling Center, would meet the standards of the Ordinance as specified (Motion by Papacosma and seconded by Alexander; carried 4-0)-**

15.16 Water Quality Protection - Alexander reviewed the measures being taken for water quality protection. **Motion the applicant meets the requirements of 15.16 Water Quality Protection (Motion by Carrier and seconded by Rogers; carried 4-0)**

15.17 Hazardous, Special and Radioactive Materials - see Section 15 above.

15.18 Solid, Special and Hazardous Waste Disposal - see Section 15 above.

15.19 Historic and Archaeological Resources - see Section 15 above.

15.20 Flood Plain Management - see Section 15 above.

15.21 Technical and Financial Capacity - Alexander reviewed this criteria noting the Town has hired a professional Engineer and Landscape Architect and the citizens have approved the funding.

**Motion - The requirements have been met as the towns people are all contributing to this (Motion by Alexander and seconded by Carrier; carried 4-0)**

**Motion - The Board approves the application with the following conditions:**

- All contractors and municipal employees tasked with site work or maintenance will be required to review all requirements
- Any proposed deviation or change to the plans must be reviewed by Town Planning and Engineering staff to determine if Department of Environmental Protection or Planning Board site plan review and revisions are necessary
- DEP approval is required in addition
- The Town is the owner and responsible party for proper implementation and monitoring of wetland protections and maintenance of structures and facilities (Motion by Alexander and seconded by Rogers; carried 4-0)

The Board members signed the application copies.

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#### **Essential Habitat Review Handbook**

Alexander reviewed a copy of recently determined essential habitats for nesting birds including Eagle nesting on Little Island, turn nesting on Pond Island, and Jenny Island and noted that Department of Inland Fisheries and Wildlife needs to review any project within one quarter mile of such sites

#### **Thank You to Jim Henderson**

**Motion for a formal vote of thanks to Jim Henderson for his time and devotion to the Planning Board (Motion by Alexander and seconded by Papacosma; carried 4-0)**

#### **Board Procedures**

Musson asked if the memos were helpful and the members agreed. Musson noted he wants the Board to be comfortable accepting or not accepting his recommendations. The Board discussed the need for all members of the Board to participate including making suggestions for motions. Alexander also asked about arranging the agenda in order to move faster items first. The Board discussed alternatives for arranging the agenda for efficiency.

Musson asked if the Board wanted to plan for an extra meeting during June as there were numerous items coming up for future agendas. Musson noted as the application numbers get beyond four, it becomes a problem.

June 18th will be the next scheduled meeting and the Board agreed a second meeting could be held on another evening the next week. Musson will work on the schedule and notify the Board.

**Adjournment - Motion to adjourn at 9:00 P.M. (Motion by Alexander and seconded by Rogers; carried 4-0)**

Respectfully submitted,

Karen O'Connell  
Recording Secretary